



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Customary Trade Federal Subsistence Board

June 28, 2002



Forest Service

Background

Title VIII of the *Alaska National Interest Lands Conservation Act* (ANILCA) protects subsistence uses for rural Alaskans, including barter, sharing, and “customary trade” of fish and wildlife. Current Federal Subsistence Management Regulations authorize customary trade as long as it does not become an illegal “significant commercial enterprise.” The Federal Subsistence Board (Board) has found that the term “significant commercial enterprise” is unclear, hampering effective law enforcement to prevent abuses. The Board wants to preserve traditional customary trade practices and recognize regional differences while preventing abuse.

Current Federal regulations on customary trade for subsistence-caught fish:

- Allow limited exchanges for cash of subsistence-harvested fish, their parts, or their eggs to support personal and family needs.
- Restrict individuals, businesses, or organizations from purchasing, bartering, or re-selling subsistence-taken fish and fish products as a significant commercial enterprise.

What is the Federal Subsistence Board considering changing?

The proposed rule adopted by the Board in December 2001 recommends that no dollar limit be set on exchanges for cash of subsistence-caught fish, parts, or eggs between rural residents. The proposed rule prohibits such exchanges to fisheries businesses, whether rural or non-rural. However, the exchange for cash between rural residents and others (non-rural) would be allowed as long as the exchange does not make up a significant commercial enterprise.

The public comment period on the proposed rule has been extended.

In response to public requests, the Board deferred action on the proposed rule for customary trade until January 2003. In the meantime, the Board is analyzing public comments received to date and will issue a summary of the comments in August 2002. This document will be distributed to the public, tribal governments, 10 Federal Regional Advisory Councils, and other State and Federal agencies. Final comments on proposed changes to customary trade regulations are due by November 1, 2002. The Federal Subsistence Board will hold a public meeting on January 14, 2003 at the Egan Center in Anchorage to decide on a final rule for customary trade.

The Board is extending the public comment period for several reasons:

- There were many public requests for a delay.
- The June Board meeting occurs during the peak of the rural subsistence fishing season so many subsistence users were unable to provide comments.
- Any decision the Board makes in June would not be in effect until 2003 so this allows time for further discussion and input from the public that will enhance the proposed rule.

Public comments will help the Board decide:

- The definition of the limits of a “significant commercial enterprise.”
- What limitations should be placed on the exchange for cash between rural and non-rural residents.
- If there should be a limit on an exchange for cash between rural residents.
- How any limitations set on customary trade will affect subsistence needs, traditions, and the values of the subsistence way of life.

For more information, please contact Pete Probasco at the Office of Subsistence Management, (800) 478-1456 or (907) 786-3375 (pete_probasco@fws.gov), or fax (907) 786-3898 or write the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, Alaska 99503. TTY users may call through the Federal Relay Service (800) 877-8339. Please visit our home page, <http://alaska.fws.gov/asm/home.html>.